

Introduced by Senator Hancock

February 19, 2010

An act to amend Section 42605 of the Education Code, relating to categorical education programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as introduced, Hancock. Regional occupational centers and programs.

Existing law establishes various categorical education programs, including regional occupational centers and programs, and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008–09 to 2012–13 fiscal years, inclusive, to apportion from the amount provided in the annual Budget Act for specified categorical education programs an amount based on the same relative proportion that the local educational agency received in the 2008–09 fiscal year for those programs and authorizes school districts, for those fiscal years, to use these funds, with specified exceptions, for any educational purpose, to the extent permitted by federal law. Existing law, for those fiscal years, deems local educational agencies that use these categorical education program funds for any educational purpose to be in compliance with the program and funding requirements of those categorical education programs.

This bill would restrict the authority of a school district to withdraw from a regional occupational center or program if the State Board of Education determines that doing so would negatively impact the career technical education services received by high school pupils of other school districts in the region. The bill would require a recipient of funds allocated for career technical education services to expend those funds

in accordance with the regional plan for occupational course sequences, in order to meet documented labor market demand, and focus on the needs of high school pupils. The bill would make legislative findings and declarations regarding career technical education programs organized and implemented as occupational course sequences.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that career
2 technical education programs organized and implemented as
3 occupational course sequences that result in career-ready industry
4 certification are essential components of the state's secondary and
5 community college school system, and are vital to the state's
6 economic development. The Legislature further finds and declares
7 that, to be effective, these course sequences must be organized
8 regionally, with courses integrated across local educational
9 agencies and community colleges, with the active involvement of
10 business, labor, and workforce development agencies.

11 SEC. 2. Section 42605 of the Education Code is amended to
12 read:

13 42605. (a) (1) Unless otherwise prohibited under federal law
14 or otherwise specified in subdivision (e), for the 2008–09 fiscal
15 year to the 2012–13 fiscal year, inclusive, recipients of funds from
16 the items listed in paragraph (2) may use funding received, pursuant
17 to subdivision (b), from any of these items listed in paragraph (2)
18 that are contained in an annual Budget Act, for any educational
19 purpose:

20 (2) 6110-104-0001, 6110-105-0001, 6110-108-0001,
21 6110-122-0001, 6110-123-0001, 6110-124-0001, 6110-137-0001,
22 6110-144-0001, 6110-150-0001, 6110-151-0001, 6110-156-0001,
23 6110-181-0001, 6110-188-0001, 6110-189-0001, 6110-190-0001,
24 6110-193-0001, 6110-195-0001, 6110-198-0001, 6110-204-0001,
25 6110-208-0001, 6110-209-0001, 6110-211-0001, 6110-227-0001,
26 6110-228-0001, 6110-232-0001, 6110-240-0001, 6110-242-0001,
27 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001,
28 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001,
29 6110-266-0001, 6110-267-0001, 6110-268-0001, and
30 6360-101-0001.

(b) (1) For the 2009–10 fiscal year to the 2012–13 fiscal year, inclusive, the Superintendent or other administering state agency, as appropriate, shall apportion from the amounts provided in the annual Budget Act for the items enumerated in paragraph (2) of subdivision (a), an amount to recipients based on the same relative proportion that the recipient received in the 2008–09 fiscal year for the programs funded through the items enumerated in paragraph (2) of subdivision (a).

(2) This section and Section 42 of Chapter 12 of the Statutes of 2009 do not authorize a school district that receives funding on behalf of a charter school pursuant to Sections 47634.1 and 47651 to redirect this funding for another purpose unless otherwise authorized in law or pursuant to an agreement between a charter school and its chartering authority. Notwithstanding paragraph (1), for the 2008–09 fiscal year to the 2012–13 fiscal year, inclusive, a school district that receives funding on behalf of a charter school pursuant to Sections 47634.1 and 47651 shall continue to distribute the funds to those charter schools based on the relative proportion that the school district distributed in the 2007–08 fiscal year, and shall adjust those amounts to reflect changes in charter school attendance in the district. The amounts allocated shall be adjusted for any greater or lesser amount appropriated for the items enumerated in paragraph (2) of subdivision (a). For a charter school that began operation in the 2008–09 fiscal year, if a school district received funding on behalf of that charter school pursuant to Sections 47634.1 and 47651, the school district shall continue to distribute the funds to that charter school based on the relative proportion that the school district distributed in the 2008–09 fiscal year and shall adjust the amount of those funds to reflect changes in charter school attendance in the district. The amounts allocated shall be adjusted for any greater or lesser amount appropriated for the items enumerated in paragraph (2) of subdivision (a).

(3) Notwithstanding paragraph (1), for the 2008–09 fiscal year to the 2012–13 fiscal year, inclusive, the Superintendent shall apportion from the amounts appropriated by Item 6110-211-0001 of the annual Budget Act, an amount to a charter school in accordance with the per pupil methodology prescribed in subdivision (c) of Section 47634.1.

1 (4) Notwithstanding paragraph (1), for the 2008–09 fiscal year
2 to the 2012–13 fiscal year, inclusive, the Superintendent shall
3 apportion from the amounts provided in the annual Budget Act,
4 an amount to a school district, charter school, and county office
5 of education based on the same relative proportion that the local
6 educational agency received in the 2007–08 fiscal year for the
7 programs funded through the following items contained in the
8 annual Budget Act: 6110-104-0001, 6110-105-0001,
9 6110-156-0001, 6110-190-0001, schedule (3) of 6110-193-0001,
10 6110-198-0001, 6110-232-0001, and schedule (2) of
11 6110-240-0001.

12 (5) For purposes of paragraph (4) of this subdivision, if a
13 direct-funded charter school began operation in the 2008–09 fiscal
14 year, the amount that the charter school was entitled to receive
15 from the items enumerated in paragraph (4) for the 2008–09 fiscal
16 year, as certified by the Superintendent in March 2009, is deemed
17 to have been received in the 2007–08 fiscal year.

18 (6) *Notwithstanding paragraph (1), for the 2008–09 fiscal year*
19 *to the 2012–13 fiscal year, inclusive, a school district that receives*
20 *funding for its participation with a regional occupational center*
21 *or program established and maintained pursuant to paragraph*
22 *(2) of subdivision (a) of Section 52301 may only withdraw from*
23 *that regional center or program if the state board determines that*
24 *the withdrawal does not negatively impact career technical*
25 *education services offered by that center or program to high school*
26 *pupils of other school districts in the region.*

27 (c) (1) This section does not obligate the state to refund or repay
28 reductions made pursuant to this section. A decision by a school
29 district to reduce funding pursuant to this section for a
30 state-mandated local program shall constitute a waiver of the
31 subvention of funds that the school district is otherwise entitled to
32 pursuant to Section 6 of Article XIII B of the California
33 Constitution on the amount so reduced.

34 (2) As a condition of receipt of funds, the governing board of
35 the school district or board of the county office of education, as
36 appropriate, at a regularly scheduled open public hearing shall take
37 testimony from the public, discuss, approve or disapprove the
38 proposed use of funding, and make explicit for each of the budget
39 items in paragraph (2) of subdivision (a) the purposes for which
40 the funds will be used.

(3) Using the Standardized Account Code Structure reporting process, a local educational agency shall report expenditures of funds pursuant to the authority of this section by using the appropriate function codes to indicate the activities for which these funds are expended. The department shall collect and provide this information to the Department of Finance and the appropriate policy and budget committees of the Legislature by April 15, 2010, and annually thereafter on April 15 until, and including, April 15, 2014.

(d) For the 2008–09 fiscal year to the 2012–13 fiscal year, inclusive, local education agencies that use the flexibility provision of the section shall be deemed to be in compliance with the program and funding requirements contained in statutory, regulatory, and provisional language, associated with the items enumerated in subdivision (a).

(e) Notwithstanding subdivision (d), the following requirements shall continue to apply:

(1) For Items 6110-105-0001 and 6110-156-0001, the amount authorized for flexibility shall exclude the funding provided for instruction of CalWORKs eligible students pursuant to schedules (2) and (3), and provisions 2 and 4.

(2) (A) Any instructional materials purchased by a local education agency shall be the materials adopted by the state board for kindergarten and grades 1 to 8, inclusive, and for grades 9 to 12, inclusive, the materials purchased shall be aligned with state standards as defined by Section 60605, and shall also meet the reporting and sufficiency requirements contained in Section 60119.

(B) For purposes of this section, “sufficiency” means that each pupil has sufficient textbooks and instructional materials in the four core areas as defined by Section 60119, and that all pupils within the local education agency who are enrolled in the same course shall have identical textbooks and instructional materials, as specified in Section 1240.3.

(3) For Item 6110-195-0001, the item shall exclude moneys that are required to fund awards for teachers that have previously met the requirements necessary to obtain these awards, until the award is paid in full.

(4) For Item 6110-266-0001, a county office of education shall conduct at least one site visit to each of the required schoolsites

1 pursuant to Section 1240 and shall fulfill all of the duties set forth
2 in Sections 1240 and 44258.9.

3 (5) For Item 6110-198-0001, a school district or county office
4 of education that operates the child care component of the
5 Cal-SAFE program shall comply with paragraphs (5) and (6) of
6 subdivision (c) of Section 54746.

7 (6) *For Item 6110-105-0001, a recipient shall expend funds*
8 *allocated for career technical education services as follows:*

9 (A) *In accordance with the regional plan for occupational*
10 *course sequences developed pursuant to Section 52302.*

11 (B) *In order to meet documented labor market demand pursuant*
12 *to Section 52302.3.*

13 (C) *Focused on the needs of high school pupils pursuant to*
14 *Section 52302.8.*

15 (f) This section does not invalidate any state law pertaining to
16 teacher credentialing requirements or the functions that require
17 credentials.